

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES ANTHONY GREENE,	)	1:05cv0555 OWW DLB
	)	
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF'S
	)	MOTION TO DISQUALIFY THE
v.	)	MAGISTRATE JUDGE
	)	(Document 11)
NEAL McCALEB, et al.,	)	
	)	
	)	
Defendants.	)	

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Plaintiff is proceeding in pro se and in forma pauperis. Plaintiff filed his complaint on April 21, 2005. On April 29, 2005, the Magistrate Judge issued Findings and Recommendation that the complaint be dismissed. Plaintiff has not yet filed an opposition.

On May 4, 2005, Plaintiff filed a document in which he requested the Court disqualify Magistrate Judge Dennis L. Beck pursuant to 28 U.S.C. §§ 144, 454 and 455.

28 U.S.C. § 144 provides that where a party files a sufficient affidavit that the judge has a personal bias or prejudice against the movant or another party, another judge shall be assigned to the proceeding. Similarly, 28 U.S.C. § 455 provides that, under certain circumstances, a judge must disqualify himself in a proceeding where his impartiality might be reasonably questioned. A judge's ruling, however, is not grounds for disqualification under either statute. Liteky v. U.S., 510 U.S. 540 (1994).

1 The focus of Plaintiff's motion is the Magistrate Judge's rulings in the instant action,  
2 including the unfavorable April 29, 2005, Findings and Recommendation. This is not a basis for  
3 disqualification.

4 Plaintiff further alleges that the Magistrate Judge is "practicing law which is illegal in  
5 american law, and only wishes to either discourage, disenfranchise the plaintiff, by blanton  
6 rejection, due to the fact the defendant(s) are a U.S. Government Administration and Bureau, and  
7 will stop at nothing to do so. Despite being bound by oath pursuant to 28 USCS 453." Motion,  
8 at 2. However, he presents nothing more than this conclusory statement in support of his  
9 contention. This is insufficient to make the required showing under either 28 U.S.C. § 144 or  
10 455.

11 Accordingly, Plaintiff's motion is DENIED.

12 IT IS SO ORDERED.

13 **Dated: May 9, 2005**  
14 3b142a

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE